

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
ANDERSON DIVISION

Ralph C. McCullough, II as Plan Trustee
for HomeGold Financial, Inc., HomeGold
Inc., and Carolina Investors, Inc.,

Plaintiff,
v.

USPA Corp., Mid-America Services
Corp., U.S. Property and Appraisal
Services Corp., and Frank A. Davis,

Defendants.

C/A No. 8:05-2791-GRA

ORDER
(Written Opinion)

This matter comes before the Court on Defendants' Motion to Dismiss, filed November 14, 2005. Counsel for Plaintiff and Defendants presented oral arguments before this Court on January 30, 2006. After review of the parties' briefs and oral arguments, the Court denies Defendants' motion.

IT IS HEREBY ORDERED that Defendants' Motion to Dismiss be DENIED.

IT IS SO ORDERED.



G. ROSS ANDERSON, JR.
UNITED STATES DISTRICT JUDGE

Anderson, South Carolina

January 31, 2006